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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,134	03/15/2002	Heon Pyeong Ji	46500-000102	1447
30593	7590	11/30/2004		
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/088,134

Applicant(s)

JI ET AL.

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/13 & 8/31/2004
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, line 11, it is unclear as to what is meant by 'as the least one of the wheels is connected to the main body'.

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by SU1653730.

SU1653730 discloses a main body (fig. 1, #1).

SU1653730 discloses wheels rotatably mounted on either side of the body (fig. 1, #10).

SU1653730 discloses an exhaust flow passage formed between the main body and the wheels (fig. 1, #8).

SU1653730 discloses an air exhaust filter provided at the exhaust flow passage (fig. 2, #7).

With respect to claim 2, SU1653730 discloses the exhaust flow passage formed by opening a portion of the main body (fig. 1).

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP8-252196.

JP8-252196 discloses a main body (fig. 1, #3,2).

JP8-252196 discloses wheels rotatably mounted on either side of the body (fig. 2, #13).

JP8-252196 discloses an exhaust flow passage formed between the main body and the wheels (figs. 2 and 6).

JP8-252196 discloses an air exhaust filter provided at the exhaust flow passage (figs. 2 and 6, #11).

With respect to claim 2, JP8-252196 discloses the exhaust flow passage formed by opening a portion of the main body (figs. 2 and 5-6).

*Allowable Subject Matter*

4. Claims 3-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a device for exhausting from a vacuum cleaner having a main body, wheels

rotatably mounted on either side of the body, an exhaust flow passage formed between the body and the wheels and an air exhaust filter provided in the passage HOWEVER fails to disclose or fairly suggest the wheel having a guide member connected to a guiding projection formed at the side of the body with the air exhaust filter therein and a rolling member mounted around the guiding member to allow for movement along a surface.

### *Response to Arguments*

6. Applicant's arguments filed 8/31/2004 have been fully considered but they are not persuasive. Applicant urges that the air exhaust filter of SU1653730 is mounted at the main body as an integral part of the wheel whereas the claimed invention is not part of the wheel. Applicant is believed to be in error with his argument because claim 1 does not specify that the filter is separate from the wheel. SU1653730 discloses 'wherein the air exhaust filter is securely fixed within the exhaust flow passage as the at least one of the wheels is connected to the main body'. The filter being part of the wheel becomes 'securely fixed within the exhaust flow passage as the at least one of the wheels is connected to the main body'.

Applicant urges that JP8-252196 discloses the exhaust filter being fixed to an inner surface of the main body or the wheel, as opposed to being firmly held between two structural elements. Applicant is believed to be in error with his argument because claim 1 does not specify that the filter is not firmly attached to the main body or the wheel or that the filter is held between two structural elements. JP8-252196 discloses 'wherein the air exhaust filter is securely fixed within the exhaust flow passage as the at least one of the wheels is connected to the main body'. The filter being part of the wheel becomes 'securely fixed within the exhaust flow

passage as the at least one of the wheels is connected to the main body'. The filter is held between the main body and the wheel (fig. 6, #2,11,54), not necessarily the same way as the disclosed invention.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

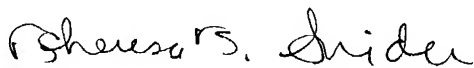
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Thursday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Theresa T. Snider  
Primary Examiner  
Art Unit 1744

**THERESA T. SNIDER  
PRIMARY EXAMINER**

11/29/2004